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12 Attorneys for Defendants
Global Machinery Company,
13 GMCA Pty. Ltd., and Trapone Corporation Pty. Ltd.

14 **UNITED STATES DISTRICT COURT**
15 **SOUTHERN DISTRICT OF CALIFORNIA**

16 JENS ERIK SORENSEN, as Trustee of
17 SORENSEN RESEARCH AND
DEVELOPMENT TRUST,

18 Plaintiff,

19 v.

20 GLOBAL MACHINERY COMPANY, an
21 Australian company; GMCA PTY. LTD., an
Australian company; TRAPONE
22 CORPORATION PTY. LTD., an Australian
company; and DOES 1-100,

23 Defendants.
24

CASE NO. 08 CV 0233

**NOTICE OF MOTION AND MOTION
FOR EXTENSION OF ANSWER DATE**

DATE: April 25, 2008
TIME: 11:00 a.m.
Courtroom 15, 5th Floor
Hon. Barry Ted Moskowitz

No Oral Argument Unless
Requested by the Court

25 Defendants Global Machinery Company, GMCA Pty. Ltd., and Trapone Corporation Pty.
26 Ltd. ("Defendants") hereby move the Court to extend their answer date until twenty (20) days
27 after Defendants' Motion for Stay Pending Patent Reexamination is ruled upon if such Motion is
28 denied, or twenty (20) days after the stay is lifted if such Motion is granted. In support of their

1 Motion, Defendants state as follows:

2 1. Plaintiff Jens Erik Sorensen, as Trustee of Sorensen Research and Development
3 Trust ("Plaintiff") filed the present action against Defendants on February 5, 2008, alleging
4 infringement of the '184 patent.

5 2. The '184 patent is currently the subject of two reexamination proceedings before
6 the USPTO: reexamination application number 90/008,976 and reexamination application
7 number 90/008,775.

8 3. The reexamination prosecution will likely result in a simplification of the issues to
9 be considered by this Court.

10 4. Defendants were served on February 27, 2008. Therefore, Defendants' Answer is
11 currently due March 18, 2008.

12 5. Defendants are filing a Motion for Stay Pending Patent Reexamination
13 concurrently herewith.

14 6. Should the Motion for Stay be granted, the reexamination may result in a
15 substantial alteration of the issues to be considered in this case. Therefore, Defendants will be in
16 a better position to fully answer the Complaint at that time. In the interim, because of the stay,
17 Plaintiff will not be prejudiced by an extension of the answer date. If the Motion for Stay is not
18 granted, Defendants will answer within twenty (20) days. This delay is not significant, but rather
19 extends the current answer date only long enough to allow this Court to consider the Motion for
20 Stay and to allow the Defendants sufficient time to answer the Complaint. Therefore, Plaintiff
21 will not be prejudiced by the extension. The risk of this insignificant delay should the Motion for
22 Stay be denied is more than outweighed by the benefits of extending the answer date until after
23 the stay is lifted should the Motion for Stay be granted.

24 7. Good cause exists for granting this Motion and an extension of the answer date
25 will unduly prejudice no party.

26 For the reasons explained above, Defendants respectfully request that the Court extend
27 Defendants' answer date until twenty (20) days after Defendants' Motion for Stay Pending Patent
28 Reexamination is ruled upon if such Motion is denied, or twenty (20) days after the stay is lifted

1 if such Motion is granted.

2
3 DATED: March 18, 2008

HIGGS, FLETCHER & MACK LLP

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5 By: /s/ Thomas W. Ferrell

6 THOMAS W. FERRELL, ESQ.
7 CHARLES F. REIDELBACH, JR., ESQ.
8 Attorneys for Defendants
Global Machinery Company,
GMCA Pty. Ltd., and Trapone Corporation
Pty. Ltd.

9 DATED: March _____, 2008

HEAD, JOHNSON & KACHIGIAN, P.C.

10
11 By: _____

12 MARK G. KACHIGIAN
13 Attorneys for Defendants
Global Machinery Company,
GMCA Pty. Ltd., and Trapone Corporation
Pty. Ltd.